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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00208/2014
Cuttack this the 9th^d day of April, 2014

CORAM:
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Dr.Pritish Acharya
Aged about 50 years
Son of late Hem Chandra Acharya
Professor in History
Regional College Education
Residing at VR/5,
Regional Institute Campus
Unit-IS,
At/PO-Bhubaneswar-751 022
District-Khordha

...Applicant

By the Advocate(s)-Ms. C.Padhi
Mr.R.N.Tripathy

-VERSUS-

Union of India represented through

1. The Secretary,
Ministry of Human Resources Development
Sashtri Bhawan
New Delhi-110 001
2. The Secretary
National Council of Education Research & Training
Aurobindo Marg
New Delhi-110 016
3. The Director
National Council of Education Research & Training
Aurobindo Marg
New Delhi-110 016
4. The deputy Secretary (RIE)
National Council of Education Research & Training
Aurobindo Marg
New Delhi-110 016



5. The Principal
Regional Institute of Education
Unit-IX
Bhubaneswar-751 022
Odisha

...Respondents

By the Advocate(s)-Mr.U.B.Mohapatra
Mr.B.Dash

ORDER

R.C.MISRA, MEMBER(A)

Heard Ms.C.Padhi, learned counsel for the applicant. At the outset, it was pointed out that Union of India has to be represented through the Secretary, Ministry of Human Resources Development, New Delhi. Accordingly, Ms.Padhi to carry out the necessary amendment to the O.A. by impleading Secretary, Ministry of Human Resources Development, New Delhi as party-respondent representing the Union of India.

2. Heard Ms.C.Padhi, learned counsel for the applicant, Shri U.B.Mohapatra, learned SCGSC for Respondent No.1 and Shri B.Dash, learned counsel appearing for Respondent Nos. 2 to 5 on the question of admission and perused the records. Both Shri Mohapatra and Shri Dash accept notice on behalf of the Respondents. Registry is directed to serve notice on Shri Mohapatra and Shri Dash under sub-rule 4 of Rule-11 of C.A.T.(Procedure) Rules, 1987.

3. It is the case of the applicant that while working as Reader in History under the NCERT, he has been promoted as Professor in History with effect from 26.11.2009 under Career Advancement Scheme (CAS) based on the recommendations of the Committee chaired by Dr.D.K.Bhattacharjee, the then



Dean and Head, DTEE. His grievance is that his promotion should have been antedated to 23.5.2006 based on the circular dated 9.12.2011 and accordingly, he
dear should granted all consequential benefits thereon.

4. Applicant has also submitted that a similar matter came up before the C.A.T. Bangalore Bench in which Bangalore Bench vide order dated 8.2.2013 directed the applicant to make a suitable representation for redressal of his grievance within a period of 15 days and if such a representation is made, the competent authority has to take a decision on the representation in accordance with the Dr.Bhattacharjee Committee's report and relevant instructions on the subject within a stipulated period.

5. Ms.Padhi has made a prayer that she will be satisfied if similar direction is issued to Respondents because the applicant has already made a representation to Respondent No.3, i.e., Director, NCERT on 4.3.2013. On the other hand, Shri B.Dash, learned counsel representing Respondent Nos. 2 to 5 submitted that he has no objection if a direction is issued for disposal of the representation that has been submitted by the applicant and is pending consideration before Respondent No.3. But, at the same time, Shri Dash also submitted that unless circular dated 1.2.2012(Annexure-A/4) is quashed, applicant will not be entitled to any relief in terms of Annexure-A/3.

6. I have considered the submissions. However, without going into the merit of the matter, I direct Respondent No.3 to whom the representation has been addressed to consider the same if it is pending before him in the light of the



report of Dr.Bhattacharjee Committee and the relevant instructions/guidelines in the matter and communicate the decision thereon through a reasoned and speaking order to the applicant within a period of three months from the date of receipt of this order.

7. With the above direction, this O.A. is disposed of at the stage of admission itself. No costs.

8. Copy of this order be sent to all the Respondents by Speed Post and free copy of this order be made over to the learned counsel for the parties.


(R.C.MISRA)
MEMBER(A)

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